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OFFICE OF PETITIONS

In re Application of :
John F. Jella :
Application No. 10/689,890 : **ON PETITION**
Filed: October 20, 2003 :
Attorney Docket No. 36263-13 (7871-A-3CIP2) :

This is a decision on the petition under 37 CFR 1.137(b), filed November 14, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply to the non-final Office action mailed April 6, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

The Office hereby acknowledges receipt of \$1,200 in claim fees and \$510 for a three (3) months extension of time filed November 14, 2005. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$510 extension of time fee submitted with the instant petition was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 3634, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions